

REMARKS/ARGUMENTS

Claims 1-8 were pending in the present application. The present response amends claim 1, and adds new claims 9-17, leaving pending in the application claims 1-17.

Reconsideration of the rejected claims and consideration of the newly presented claims is respectfully requested.

I. Rejection under 35 U.S.C. §102

Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by *Hahn* (US 6,230,029). Claim 1 as amended requires a headset defined by:

a support member for attachment to an ear of a user, **the support member including no functional components for operation of the headset;**
a speaker transducer that outputs sound in response to an input signal; and
a deformable clip connected to the transducer and configured to permit attachment of the transducer to the support member

(*emphasis added*). *Hahn* discloses a modular “wireless headset module 10” that includes an “ear piece 13” connected to a “flexible hook 12” and a “speaker module 14” that can be “detached from the ear piece 13, rotated 180°, and reattached to the ear piece” (col. 4, lines 15-28). The ear piece contains “a first printed circuit board” and a cable that “connects the printed circuit board 34 to a female connector 42 in the ear hook 12 which mates with a male connector 44 mounted on a printed circuit board of the transceiver module 20” (col. 4, lines 52-68). The flexible ear hook portion of the ear clip contains cabling and connectors for connecting the speaker and microphone to the transceiver module 20 and battery pack module 22 (col. 4, line 29-col. 5, line 10; Figs. 1A, 1B, 1C, 2A, and 3). Applicants’ claim 1, on the other hand, requires that the support member include “no functional components for operation of the headset.” This allows a speaker transducer to be attached, by the deformable clip, to any support member appropriate for attaching to the ear of a user, and does not require any specific functionality or components of the support member other than the ability to “attach to an ear of a user.” Such a limitation is not disclosed by *Hahn*, such that *Hahn* cannot anticipate claim 1 or dependent claims 3 and 4.

Further, the Office Action states on page 2 that the “support member is substantially planar,” citing Fig. 1D. Applicants respectfully submit that, as seen in Figs. 1D and 2A, the ear hook is substantially “C” shaped, and has an hourglass-like shape in cross section. The ear piece

portion 13 is somewhat curved and has a portion shaped to receive a speaker module 14. Although the earpiece and ear hook when combined have a thickness that does not vary substantially over their length (Fig. 1D), and which is less than the height or width of the components (Fig. 2A), it is respectfully submitted that these shaped modules would generally not be considered to be “substantially planar” as recited in claim 3.

Applicants’ claim 7 requires a headset defined by:

a substantially planar support member for attachment to an ear of a user; and
a body including a speaker transducer that outputs sound in response to a sound signal and a microphone transducer that outputs a speech signal in response to sound, said body further including a deformable clip, said body being connected to the support member by said clip

(*emphasis added*). The Office Action states on p. 2 that *Hahn* includes such a “deformable clip (38).” Applicants respectfully submit that reference 38 refers to a “socket set of contacts 38 of the speaker module” used to mate with the contacts of the “first printed circuit board 34” (col. 4, lines 58-63). There is no indication that electrical contacts mating with electrical contacts of a PCB can be deformable. There is a connector shown in Fig. 2A, but there is no discussion that this connector is deformable. Further, this connector is used to connect the speaker transducer to the ear piece, but also connects the speaker transducer to the microphone transducer, and does not connect the speaker transducer and microphone transducer to a support member as required by Applicants’ claim 7. Further still, as discussed above, the ear piece and ear hook of *Hahn* are not substantially planar. Therefore, claim 7 cannot be anticipated by *Hahn*. Applicants therefore respectfully request that the rejection with respect to claims 1, 3, 4, and 7 be withdrawn.

II. Rejection under 35 U.S.C. §103

Claim 2 is rejected under 35 U.S.C. §103(a) as being obvious over *Hahn*. Claim 2 depends from claim 1, which requires in part that the support member includes “no functional components for the headset.” There is no teaching or suggestion of such a support member in *Hahn*. As such, claim 1 and dependent claim 2 cannot be rendered obvious by *Hahn*.

Claims 5, 6, and 8 are rejected under 35 U.S.C. §103(a) as being obvious over *Hahn* in view of *Braund* (US 6,373,942). Claims 5 and 6 depend from claim 1, which as discussed above is not rendered obvious by *Hahn*. *Braund* does not make up for the deficiencies in *Hahn* with respect to claim 1. *Braund* teaches a “hands-free communication device” including a “flexible

planar or backing member 60, a flexible printed circuit board 62 and a cover or protecting member 64,” (col. 6, lines 23-45) or, in an alternative embodiment, a “wiring harness 108 ... rather than a printed circuit board such as shown in FIG. 2,” which is “sandwiched between planar backing members” (col. 9, line 58 – col. 10, line 7). *Braund* does not teach or suggest “a support member including no functional components for operation of the headset,” such that a combination with the disclosure of *Hahn* still would not teach or suggest the limitations of claim 1. Therefore, claim 1 and dependent claims 5 and 6 cannot be rendered obvious by *Hahn* and *Braund*, alone or in combination.

Claim 8 depends from claim 7, which is not rendered obvious by *Hahn* as discussed above. *Braund* does not make up for the deficiencies in *Hahn* with respect to claim 7. *Braund* is cited as teaching a “curved slot to allow the support member to be hung from the ear of the user” (OA p. 4). Such teaching does not make up for the lack of a “body including a speaker transducer ... and a microphone transducer” being “connected to the support member by said clip” as required by Applicants’ claim 7. Further, *Braund* also fails to teach or suggest such a clip, such that claim 7 and dependent claim 8 are not rendered obvious by *Hahn* and *Braund*, alone or in combination. Applicants therefore respectfully request that the rejection with respect to claims 5, 6, and 8 be withdrawn.

III. Amendment to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter to the specification.

IV. Newly Presented Claims

Claims 9-17 have been added to cover different aspects of the present invention. For example, claim 9 requires that transceiver body (separate from the support member) contains a speaker transducer and any other functional components necessary for operation of the speaker transducer. Such a limitation is not disclosed, taught, or suggested by *Hahn* or *Braund*, alone or in combination. These claims are supported by the specification and do not add new matter. Applicants therefore respectfully request consideration of newly presented claims 9-17.

V. Conclusion

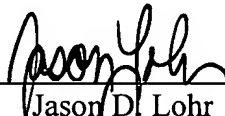
In view of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the pending claims and a notice of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. ACU-9210. **A duplicate copy of the transmittal cover sheet attached to this Response to Office Action Mailed May 17, 2005, is provided herewith.**

Respectfully submitted,

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